

S/O:GER - Martin J. Hillenbrand
(Drafting Office and Officer)

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DEPARTMENT OF STATE

Approved in S
1/10/62

Memorandum of Conversation

EXCISE

LIMIT DISTRIBUTION

DATE: January 5, 1962
Place: Secretary's Office
Time: 4:30 p.m.

SUBJECT: Berlin

January 6, 1962

PARTICIPANTS: United Kingdom

Ambassador Sir David
Ormsby-Gore

United States

The Secretary
Mr. Kohler
Mr. Hillenbrand

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The British Ambassador said he had come to discuss the two British memoranda on aspects of Berlin which had been handed to Mr. Bohlen by Lord Hood earlier in the day (copies attached). He was interested in knowing whether the first memorandum on how Prime Minister Macmillan and Lord Home should develop their forthcoming discussions with Chancellor Adenauer and Foreign Minister Schroeder jibed with American thinking about the development of the Thompson talks with Gromyko. The Secretary said this British memorandum posed no basic problems for us. However, the points in paragraph 3 (a) and 3 (b) touched on areas of German sensitivity. As to the question of Western dealings with the East German authorities and acceptance of their existence, in his first talk with Ambassador Thompson Gromyko had said that the U.S. had already recognized the GDR de facto. He wondered if Western conduct which confirms the existence of East Germany is all that is wanted rather than a more formal kind of de facto recognition. The Secretary noted certain differences between the Anglo-Saxon and the continental law tradition, with the latter stressing the significance of "informal formalities" to which we paid little attention. Moreover, he continued, the area of Western dealings with the East Germans would be affected by any arrangements made with respect to an International Access Authority. The state of discussion of this subject therefore might make it inappropriate to press too hard during the Bonn visit on the subject covered in 3 (a).

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[The Secretary commented that it would be in our interest to let it become clear that on some of these points the basic argument of the Germans and French was not with what de Gaulle called the Anglo-Saxons but with the Soviets. B1

Referring to the seven alternative formulae in the substantive paper which had been developed by the Ambassadorial Group, [B1

[The Secretary remarked that it was probably not desirable at the present stage to spell out this sort of thing too precisely. As to paragraph 3 (b), the Secretary continued, this could be affected by the Soviet attitude if the abstract from the Khrushchev memorandum to Kroll attached to the British memorandum were correct. If the Soviets included political and cultural links between West Berlin and the Federal Republic among those which they considered permissible this would have a bearing on 3 (b). We were agreed that we will press for as close links between the two as the traffic will bear. Certainly we do not want to close the door for the broadest kind of links. B1 A

[The Secretary said that this was a matter which had to be talked over with the Germans to see how strongly they felt. They were playing it both ways in a sense. They had many dealings with the GDR but did not want to be caught at it. He hoped we could in the next Thompson talk with Gromyko present the International Access Authority in a simpler fashion to the Soviet than in the form of the full draft agreement. [B1 A

[The Secretary commented that, at the outset, the Soviets will demand more in any event. Some East German connection with the International Access Authority was essential, given the fact that we would operate over East German territory. This might be accomplished either by GDR participation on the Board of Directors or by having a Four-Power Board of Directors with some system for GDR liaison.

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With respect to the British paper on Occupation Rights, the Secretary said he hoped some way could be found to deal with this without the necessity of any formal steps by the West Berliners or by us to set up a trusteeship. This word carried too many connotations. There were perhaps two ways of achieving this:

(a) There might be a Four-Power agreement which was silent on the question of Western occupation rights. We would say we were prepared to operate on the basis of such an agreement. If anything happened to the agreement, this would restore the direct application of occupation rights. One agreement would, in effect, be superimposed on the other system rather than superseding it. The Soviets could concentrate on the second. We would not wear occupation rights on our sleeves but they would be there.

(b) We could ourselves declare that we consider our position in Berlin to be based on more than occupation rights. We were holding the Western sectors in trusteeship for the German people and at the desire of the West Berliners. This would combine the elements of trusteeship and self-determination.

We would be reluctant, the Secretary continued, to see a formal trusteeship established which would give the Berliners the impression that the basis of our rights had been radically changed. Sir David said the idea of the British paper was that new relations stem from Western rights but are expressed in new terms. The new status would not supersede the previous one which would be in abeyance until reunification, or the remainder of the agreement were violated. In the latter case, we would go back to the original rights. But the purpose would be to create a different status. This new entity could then have contractual relations with the Federal Republic, perhaps along the lines suggested in the Khrushchev memorandum to Kroll. Everything the Soviets have said has implied that no agreement would be possible unless a different term is used than occupation regime.

The Secretary said we would consider the British paper, but we would be worried about taking a formal step in 1962 which would completely substitute for what happened in 1945. [

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The Secretary commented that he did not feel that occupation rights withered away with time. Should we accept the Soviet thesis regarding the obsolescence of occupation rights? [

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[The Secretary noted that, in our new draft instructions to Ambassador Thompson, we would suggest that the element of a plebiscite be injected. Sir David said the second British paper was not urgent and he would report that we had certain hesitations about it. B1A

The Secretary said we did not like the idea of a change of status, but the thought in paragraph (c) might be used if it could be suitably incorporated in a Western declaration. Going back to the Khrushchev memorandum to German Ambassador Kroll, the Secretary said he did not believe this inclusion of the word "political" could have been accidental. He referred to how Stalin's omission of the word "currency" in a document in 1949, gave an indication of the Soviet shift of position which led to the Jessup-Malik talks. Sir David agreed that inclusion of the word "political" was significant if the contents of the memorandum had been directly reported. B11

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